

Dennis Raybould
P.O. Box 241
Florence, OR 97439
(541) 997-1311

FILED 24 JAN '20 13:07 USDC-ORE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

Dennis Raybould,
Diane Raybould,

Plaintiffs,

VS.

RUSHMORE LOAN MANAGEMENT
SERVICES, LLC, et al,

Defendants.

Case No. 6:19-cv-01364-AA

**VERIFIED REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF OPPOSITION TO [10] CHASE'S MOTION TO DISMISS AND [24]
RUSHMORE'S AND U.S. BANK'S MOTION TO DISMISS**

I, Dennis Raybould, request the Court to take judicial notice of the “VERIFIED REQUEST FOR JUDICIAL NOTICE OF PROOF OF CLAIM AND MOTION TO ALTER OR AMEND THE ORDER FOR SUMMARY JUDGMENT” (“RJN/Motion”) which was filed on September 27, 2017 in case No. 15CV14566 in the Circuit Court of the State of Oregon in and for the County of Lane (“State Foreclosure Case”). A certified true copy is attached.

In addition, I request the Court to take judicial notice of the fact that the above-mentioned “RJN/Motion” is pending.

REQUEST FOR JUDICIAL NOTICE 1
IN SUPPORT OF OPPOSITION TO [10] CHASE'S MOTION TO DISMISS AND [24]
RUSHMORE'S AND U.S. BANK'S MOTION TO DISMISS

In addition, I request the Court to take judicial notice of the underlying Proof of Claim filed by Aldridge Pite for "U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CIT" in Bankruptcy Case No. 17-64614-tmr13 (see attached Exhibit A), and of the fact that, contrary to its representations, JPMorgan Chase Bank NA did **not** own the Note at the time it filed the State Foreclosure Case No. 15CV14566.

Therefore, the State Court Foreclosure **judgment was fraudulently obtained**, and the principles of Res Judicata, collateral estoppel, claim preclusion, issue preclusion **do not apply**.

In addition, I request the Court to take judicial notice of the fact that the State Foreclosure Case is still open, the final judgment has not yet been entered (and certainly had not been entered as of the date the [10] Motion to Dismiss was filed by Chase, nor as of the date the [24] Motion to Dismiss was filed by Rushmore and U.S. Bank, nor as of the date the instant Federal case was filed), and therefore again the principles of Res Judicata, collateral estoppel, claim preclusion, issue preclusion **do not apply**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct pursuant to 28 U.S.C. 1746.

Executed on: January 23, 2020

By: _____

Dennis Raybould

Dennis Raybould, Plaintiff

REQUEST FOR JUDICIAL NOTICE

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IN SUPPORT OF OPPOSITION TO [10] CHASE'S MOTION TO DISMISS AND [24] RUSHMORE'S AND U.S. BANK'S MOTION TO DISMISS

EXHIBIT A

original

FILED

17 SEP 27 AM 10:25

CLERK OF COURT
FOR THE COUNTY OF LANE

Verified Correct Copy of Original 9/28/2017

Dennis Raybould
P.O. Box 241
Florence, OR 97439
(541) 997-1311

**IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF LANE**

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, its successors in interest and/or
assigns,

Plaintiff,

v.

DIANE RAYBOULD; DENNIS RAYBOULD;
RELIANT FINANCIAL, INC.; CITIBANK,
NATIONAL ASSOCIATION Successor by
Merger to Citibank (South Dakota), N.A.;
DISCOVER BANK; CAPITAL ONE BANK
(USA), NATIONAL ASSOCIATION; BANK
OF AMERICA, NATIONAL ASSOCIATION
Successor by Merger to FIA Card Services,
National Association; LVNV FUNDING, LLC;
AMERICAN EXPRESS BANK, FSB; and
OCCUPANTS OF THE PREMISES,

Defendants;

No. 15CV14566

15CV14566
MO
Motion
8037754



**VERIFIED REQUEST FOR JUDICIAL NOTICE OF PROOF OF CLAIM
AND MOTION
TO ALTER OR AMEND THE ORDER FOR SUMMARY JUDGMENT**

I Dennis Raybould, declare under penalty of perjury that the following is true and correct:

1. I am the Defendant in this matter. I have personal knowledge of and am competent to testify to the facts stated below:

**VERIFIED REQUEST FOR JUDICIAL NOTICE OF PROOF OF CLAIM AND MOTION
TO ALTER OR AMEND THE ORDER FOR SUMMARY JUDGMENT**

1

Verified Correct Copy of Original 9/28/2017.

2. This Request for Judicial Notice is submitted in the nature of a motion to alter or amend the Order for Summary Judgment signed by Judge Carlson on 5/8/2017.
3. I hereby certify that the attached Exhibit A is a true copy of the Proof of Claim submitted by U.S. Bank in Bankruptcy Case No. 17-61646-tmr13.
4. I respectfully request that the Court take judicial notice of the above-motined Proof of Claim in connection with Plaintiff's Motion for Summary Judgment.
5. The above-motined Proof of Claim document was filed into the public record on 9/6/2017 and was not available before that.
6. The above-motined Proof of Claim document on page 3 is sworn under penalty of perjury by Josephine E. Salmon on 09/06/2017 ("I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct. I declare under penalty of perjury that the foregoing is true and correct.").
7. The above-motined Proof of Claim document on page 4 shows "the current creditor" as "U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT."
8. The above-motined Proof of Claim document on page 1 shows that "this claim" has been "acquired from someone else" namely "CHASE"
9. Therefore, since the creditor is U.S. Bank as trustee, and there can only be one creditor, it follows that the creditor is NOT the Plaintiff in the instant case.

2

**VERIFIED REQUEST FOR JUDICIAL NOTICE OF PROOF OF CLAIM AND MOTION
TO ALTER OR AMEND THE ORDER FOR SUMMARY JUDGMENT**

Verified Correct Copy of Original 9/28/2017...

10. When a loan is securitized, the loan is typically sold into the securitization Loan Pool of the trust (such as the RMAC Trust, Series 2016-CTT) within three months of closing.
11. Therefore, contrary to its representations in this Court, the Plaintiff in the instant case has not been the owner of the loan since about the closing date of February 1, 2006.
12. It follows from the above that the Summary Judgment was fraudulently obtained by a party who did not own the loan.
13. It is not through any fault or neglect on the part of the undersigned Dennis Raybould (Defendant) that this information was not presented at Summary Judgment. Defendant Raybould asked for this information in discovery, and in response, Plaintiff JPMorgan Chase Bank, N.A. lied. Specifically, Plaintiff asked in the Amended First Request for Admissions (dated on or about 4/17/2017): "4. Admit that the Note has been securitized." (See Exhibit B.) Plaintiff's response, dated May 8, 2017, was: "DENY X." (See Exhibit C.)
14. Defendant asked in the Defendants' First Request for Production of Documents (dated February 2017): "1. Produce the original Note for inspection." (See Exhibit D.) Plaintiff's response in the Plaintiff's Responses to Defendants' First Request for Production of Documents (dated March 14, 2017) was: "Plaintiff's counsel is in the process of obtaining the original Note from Plaintiff, and agrees to make it available for inspection between the parties at a mutually agreeable time and location." (See Exhibit E.)

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**VERIFIED REQUEST FOR JUDICIAL NOTICE OF PROOF OF CLAIM AND MOTION
TO ALTER OR AMEND THE ORDER FOR SUMMARY JUDGMENT**

_ Verified Correct Copy of Original 9/28/2017. _

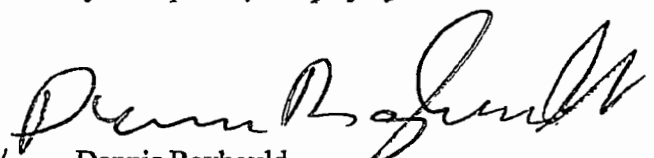
15. That was the last Defendant heard about production of the Note. The parties never agreed on a time and location. Defendant never had the opportunity to a forensic document examiner or other expert witness to examine the purported original Note.
16. At trial, Plaintiff's attorney produced four unattached pages, with no witness swearing to what they were. Defendant had no advance notice and thus had no reason to bring a forensic document examiner or other expert witness.

EXHIBIT LIST

- A... Proof of Claim submitted by U.S. Bank in Bankruptcy Case No. 17-61646-tmr13.
- B... Plaintiff's Amended First Request for Admissions (dated on or about 4/17/2017)
- C... PLAINTIFF'S RESPONSE TO DEFENDANTS' AMENDED FIRST REQUEST FOR ADMISSIONS TO PLAINTIFF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, ISAOA
- D... DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
- E... PLAINTIFF'S RESPONSES TO DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: September 26, 2017


 /s/ Dennis Raybould
 Dennis Raybould

**VERIFIED REQUEST FOR JUDICIAL NOTICE OF PROOF OF CLAIM AND MOTION
 TO ALTER OR AMEND THE ORDER FOR SUMMARY JUDGMENT**

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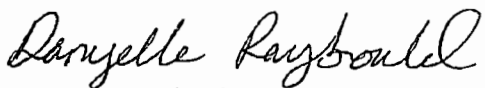
Verified Correct Copy of Original 9/28/2017.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date last written below, a true and correct copy of the foregoing was furnished via facsimile and/or U.S. mail and/or email to:

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
c/o Casey C. Pence
c/o Dannine Consoli
ALDRIDGE PITE, LLP
111 SW Columbia St. Suite 925
Portland, OR 97201
cpence@aldridgepite.com
dconsoli@aldridgepite.com

DATED: September 26, 2017


/s/ Danyelle Raybould
Danyelle Raybould

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VERIFIED REQUEST FOR JUDICIAL NOTICE OF PROOF OF CLAIM AND MOTION
TO ALTER OR AMEND THE ORDER FOR SUMMARY JUDGMENT

Verified Correct Copy of Original 9/28/2017.

EXHIBIT A

Fill in this information to identify the case:

Debtor 1 Dennis Raybould

Debtor 2 _____
(Spouse, If filing)

United States Bankruptcy Court for the: _____ District of Oregon
(State)

Case number 17-61464-tmr13

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

- Who is the current creditor?
U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT
 Name of the current creditor (the person or entity to be paid for this claim)
 Other names the creditor used with the debtor: _____
- Has this claim been acquired from someone else?
☐ No
☒ Yes. From whom? CHASE
- Where should notices and payments to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent?	Where should payment to the creditor be sent? (if different)
	<u>Rushmore Loan Management Services</u>	<u>Rushmore Loan Management Services</u>
	Name	Name
	<u>P.O. Box 55004</u>	<u>P.O. Box 52708</u>
	Number Street	Number Street
	<u>Irvine CA 92619-2708</u>	<u>Irvine CA 92619-2708</u>
City State Zip Code	City State Zip Code	
Contact phone <u>888-504-6700</u>	Contact phone <u>888-504-6700</u>	
Contact email _____	Contact email _____	
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		
- Does this claim amend one already filed?
☒ No
☐ Yes. Claim number on court claims registry (if known) _____ Filed on _____
 MM / DD / YYYY
- Do you know if anyone else has filed a proof of claim for this claim?
☒ No
☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

9/28/2017 Verified Correct Copy of Original	6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor.	*****5251
	7. How much is the claim?	\$ 362,809.11	Does this amount include interest or other charges? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
	8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>Money Loaned</u>	
	9. Is all or part of the claim secured?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input checked="" type="checkbox"/> Real estate If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe <u>88915 Bay Berry Ln, Florence, OR 97439</u> Basis for perfection: <u>Mortgage/Deed of Trust</u> Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for Example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured \$ <u>362,809.11</u> Amount of the claim that is unsecured: \$ <u>0.00</u> (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ <u>165,074.81</u> Annual Interest Rate (when case was filed) <u>6.999</u> % <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable	
	10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____	
	11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property _____	

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☒ No

☐ Yes. Check all that apply:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ _____

☐ Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorized courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 09/06/2017

MM / DD / YYYY

Josephine E. Salmon

Signature

Print the name of the person who is completing and signing this claim:

Name Josephine E. Salmon

First Name

Middle Name

Last Name

Title Agent for Creditor

Company Aldridge Pite, LLP

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 4375 Jutland Drive, Suite 200
P.O. Box 17933

Number Street

San Diego, CA 92177-0933

City

State

ZIP Code

Contact phone (858) 750-7600

Email

jsalmon@aldridgepite.com

(12/15)

Part 1: Mortgage and Case Information		Part 2: Total Debt Calculation		Part 3: Arrearage as of Date of the Petition		Part 4: Monthly Mortgage Payment	
Case number	<u>17-61464-tmr13</u>	Principal balance:	<u>221,875.98</u>	Principal & interest due:	<u>128,028.60</u>	Principal & interest:	<u>1,580.60</u>
Debtor 1:	<u>Dennis Raybould</u>	Interest due:	<u>105,158.88</u>	Prepetition fees due:	<u>12,828.75</u>	Monthly escrow:	<u>254.39</u>
Debtor 2:		Fees, costs due:	<u>12,828.75</u>	Escrow deficiency for funds advanced:	<u>22,945.00</u>	Private mortgage insurance:	<u>0.00</u>
Last 4 digits to identify:	<u>3393</u>	Escrow deficiency for funds advanced:	<u>22,945.50</u>	Projected escrow shortage:	<u>1,271.96</u>	Total monthly payment:	<u>1,834.99</u>
Creditor:	<u>U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT</u>	Less total funds on hand:	<u>- 0.00</u>	Less funds on hand:	<u>- 0.00</u>		
Servicer:	<u>Rushmore Loan Management Services, LLC</u>	Total debt:	<u>362,809.11</u>	Total prepetition arrearage:	<u>185,074.81</u>		
Fixed accrual/daily simple interest/other: <u>Fixed Accrual</u>							

[illegible]

Verified Correct Copy of Original 9/28/2017.

EXHIBIT B

Verified Correct Copy of Original 9/28/2017.

Dennis Raybould
P.O. Box 241
Florence, OR 97439
(541) 997-1311

**IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF LANE**

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, its successors in interest and/or
assigns,

Plaintiff,

v.

DIANE RAYBOULD; DENNIS RAYBOULD;
RELIANT FINANCIAL, INC.; CITIBANK,
NATIONAL ASSOCIATION Successor by
Merger to Citibank (South Dakota), N.A.;
DISCOVER BANK; CAPITAL ONE BANK
(USA), NATIONAL ASSOCIATION; BANK
OF AMERICA, NATIONAL ASSOCIATION
Successor by Merger to FIA Card Services,
National Association; LVNV FUNDING, LLC;
AMERICAN EXPRESS BANK, FSB; and
OCCUPANTS OF THE PREMISES,

Defendants;

No. 15CV14566

**NOTICE OF SERVING DEFENDANTS' AMENDED FIRST REQUEST FOR
ADMISSIONS TO PLAINTIFF JPMORGAN
CHASE BANK, NATIONAL ASSOCIATION, ISAOA
[Pursuant to ORCP 36, 45]**

INSTRUCTIONS FOR RESPONDING

All requests are directed to Plaintiff JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION. These requests are continuing in character so as to require you to promptly
amend or supplement your response if you obtain further material information. Please follow all

DEFENDANTS' AMENDED FIRST REQUEST FOR ADMISSIONS

1

Verified Correct Copy of Original 9/28/2017

instructions that are usual and customary in a Request for Admissions. All uses of present-tense verbs such as "is," "has," etc. refer to the signature date of this Request.

**FAILURE TO SERVE A WRITTEN ANSWER OR OBJECTION WITHIN THE
TIME ALLOWED BY ORCP 45 B WILL RESULT IN ADMISSION OF THE
FOLLOWING REQUESTS.**

AMENDED REQUEST FOR ADMISSIONS

1. Admit that JPMorgan Chase Bank, N.A. is merely the servicer of the loan.
 ADMIT _____ DENY _____
2. Admit that JPMorgan Chase Bank, N.A. did not hold the Note as of the date of filing of
 the Complaint.
 ADMIT _____ DENY _____
3. Admit that the Note had not been endorsed in blank as of the date of filing of the
 Complaint.
 ADMIT _____ DENY _____
4. Admit that the Note has been securitized.
 ADMIT _____ DENY _____
5. Admit that neither Layson C. Ungar nor RCO LEGAL, P.C. had any contract or other
 authority to sign or file the Complaint in this case
 ADMIT _____ DENY _____
6. Admit that Plaintiff did not pay consideration for the Note.
 ADMIT _____ DENY _____
7. Admit that Defendants did not make a forcible entry into the Property.
 ADMIT _____ DENY _____
8. Admit that Defendants are not unlawfully holding the possession of the Property by force.
 ADMIT _____ DENY _____
9. Admit that Plaintiff and Defendants do not have a landlord-tenant relationship.
 ADMIT _____ DENY _____
10. Admit that shortly after February 1, 2006, the Note was sold to Fannie Mae.

2

DEFENDANTS' AMENDED FIRST REQUEST FOR ADMISSIONS

Verified Correct Copy of Original 9/28/2017.

- ADMIT _____ DENY _____
11. Admit that Defendants never gave their explicit agreement and authorization for their signature on any document to be transferred electronically.
- ADMIT _____ DENY _____
12. Admit that the allonge is not permanently affixed to the Note.
- ADMIT _____ DENY _____
13. Admit that no proof of agency is referenced or attached to the Note.
- ADMIT _____ DENY _____
14. Admit that Plaintiff has a designated document custodian who holds the original notes for Plaintiff.
- ADMIT _____ DENY _____
15. Admit that Plaintiff failed to comply with at least one of the conditions precedent set forth in paragraph 22 of the recorded Deed of Trust, Document # 2006-008568.
- ADMIT _____ DENY _____
16. Admit that Chase has collected insurance related to the disputed matter.
- ADMIT _____ DENY _____
17. Admit that Plaintiff, in the process of collecting its own debts, sometimes uses the simple name "CHASE."
- ADMIT _____ DENY _____
18. Admit that the property was not advertised in the Register-Guard.
- ADMIT _____ DENY _____
19. Admit that this lawsuit was not authorized by the relevant Board(s) of Directors.
- ADMIT _____ DENY _____
20. Admit that Plaintiff did not lend or risk its money.
- ADMIT _____ DENY _____
21. Admit that Plaintiff did not lend or risk its credit.
- ADMIT _____ DENY _____
22. Admit that the beneficiary did not request a resolution conference.
- ADMIT _____ DENY _____

Verified Correct Copy of Original 9/28/2017.

23. Admit that the Certificate of Compliance (Exhibit 1 attached to the Complaint) was not recorded.

ADMIT _____

DENY _____

24. Admit that the Exhibit 2 attached to the Complaint is a true and correct and complete copy of the original Note as of the date of filing of the Complaint, including all riders, signatures, stamps, allonges and any other ancillary materials.

ADMIT _____

DENY _____

25. Admit that Plaintiff is trying to collect on the Note (Complaint, ¶ 24) and also foreclose on the Property (Complaint, ¶¶ 26-28).

ADMIT _____

DENY _____

Executed by: _____

DATED: April _____, 2017

Dennis Raybould, Defendant
P.O. Box 241
Florence, OR 97439
(541) 997-1311

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via

U.S. mail and/or email to:

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
c/o Rochelle L. Stanford
ALDRIDGE PITE, LLP
111 SW Columbia St. Suite 925
Portland, OR 97201

Executed by: _____

DATED: April _____, 2017

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DEFENDANTS' AMENDED FIRST REQUEST FOR ADMISSIONS

Verified Correct Copy of Original 9/28/2017.

EXHIBIT C

Verified Correct Copy of Original 9/28/2017

**IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF LANE**

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, its successors in interest and/or
assigns,

Plaintiff,

v.

DIANE RAYBOULD; DENNIS RAYBOULD;
RELIANT FINANCIAL, INC.; CITIBANK,
NATIONAL ASSOCIATION Successor by
Merger to Citibank (South Dakota), N.A.;
DISCOVER BANK; CAPITAL ONE BANK
(USA), NATIONAL ASSOCIATION; BANK
OF AMERICA, NATIONAL ASSOCIATION
Successor by Merger to FIA Card Services,
National Association; LVNV FUNDING, LLC;
AMERICAN EXPRESS BANK, FSB; and
OCCUPANTS OF THE PREMISES.

Defendants;

No. 15CV14566

**PLAINTIFF'S RESPONSE TO DEFENDANTS' AMENDED
FIRST REQUEST FOR
ADMISSIONS TO PLAINTIFF JPMORGAN
CHASE BANK, NATIONAL ASSOCIATION, ISAOA
[Pursuant to ORCP 36, 45]**

Pursuant to ORCP 45 B, Plaintiff, JPMorgan Chase Bank, National Association, ("Plaintiff")
hereby responds to Defendants' Amended First Request for Admissions to Plaintiff as follows:

AMENDED REQUEST FOR ADMISSIONS

1. Admit that JPMorgan Chase Bank, N.A. is merely the servicer of the loan.

PLAINTIFF'S RESPONSE TO DEFENDANTS' AMENDED FIRST REQUEST FOR ADMISSIONS

Verified Correct Copy of Original 9/28/2017

ADMIT _____

DENY __X__

2. Admit that JPMorgan Chase Bank, N.A. did not hold the Note as of the date of filing of the Complaint.

ADMIT _____

DENY __X__

3. Admit that the Note had not been endorsed in blank as of the date of filing of the Complaint.

ADMIT _____

DENY __X__

4. Admit that the Note has been securitized.

ADMIT _____

DENY __X__

5. Admit that neither Layson C. Ungar nor RCO LEGAL, P.C. had any contract or other authority to sign or file the Complaint in this case

ADMIT _____

DENY __X__

Plaintiff objects to Defendant's Request for Admission #5 for the following reason: Layson C. Ungar and RCO Legal, P.C. are no longer parties to the action. Subject to and without waiving said objections, Plaintiff denies #5.

6. Admit that Plaintiff did not pay consideration for the Note.

ADMIT _____

DENY __X__

7. Admit that Defendants did not make a forcible entry into the Property.

Plaintiff objects to Defendant's Request for Admission #7 for the following reason: Plaintiff cannot attest to or speak on behalf of Defendants or other parties to this action. Plaintiff lacks knowledge and information, therefore, Plaintiff cannot admit or deny #7.

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PLAINTIFF'S RESPONSE TO DEFENDANTS' AMENDED FIRST REQUEST FOR ADMISSIONS

Verified Correct Copy of Original 9/28/2017.

8. Admit that Defendants are not unlawfully holding the possession of the Property by force.

Plaintiff objects to Defendant's Request for Admission #8 for the following reason: Plaintiff cannot attest to or speak on behalf of Defendants or other parties to this action. Plaintiff lacks knowledge and information, therefore, Plaintiff cannot admit or deny #8.

9. Admit that Plaintiff and Defendants do not have a landlord-tenant relationship.

ADMIT X

DENY

10. Admit that shortly after February 1, 2006, the Note was sold to Fannie Mac.

ADMIT

DENY X

11. Admit that Defendants never gave their explicit agreement and authorization for their signature on any document to be transferred electronically.

ADMIT

DENY X

Plaintiff objects to Defendant's Request for Admission #11 for the following reason: The purpose of the question is unclear. Pursuant to paragraph 20 of the subject Deed of Trust, the Defendants did agree and authorize that the Note or a partial interest in the Note (together with the security instrument) may be sold one or more times without prior notice to the borrower. Subject to said paragraph in the Deed of Trust, and without waiving its objections, Plaintiff denies Defendants' Request for Admission #11.

12. Admit that the allonge is not permanently affixed to the Note.

ADMIT

DENY X

Verified Correct Copy of Original 9/28/2017.

13. Admit that no proof of agency is referenced or attached to the Note.
 ADMIT _____ DENY X
14. Admit that Plaintiff has a designated document custodian who holds the original notes for Plaintiff.
 ADMIT X DENY _____
15. Admit that Plaintiff failed to comply with at least one of the conditions precedent set forth in paragraph 22 of the recorded Deed of Trust, Document # 2006-008568.
 ADMIT _____ DENY X
16. Admit that Chase has collected insurance related to the disputed matter.
 ADMIT _____ DENY X
17. Admit that Plaintiff, in the process of collecting its own debts, sometimes uses the simple name "CHASE."
 ADMIT X DENY _____
18. Admit that the property was not advertised in the Register-Guard.

Plaintiff objects to Defendant's Request for Admission #18 for the following reason: (1) the purpose of the question is unclear and irrelevant to the subject foreclosure matter.

19. Admit that this lawsuit was not authorized by the relevant Board(s) of Directors.
 ADMIT _____ DENY X
20. Admit that Plaintiff did not lend or risk its money.

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PLAINTIFF'S RESPONSE TO DEFENDANTS' AMENDED FIRST REQUEST FOR ADMISSIONS

Verified Correct Copy of Original 9/28/2017

ADMIT _____

DENY X

21. Admit that Plaintiff did not lend or risk its credit.

ADMIT _____

DENY X

22. Admit that the beneficiary did not request a resolution conference.

ADMIT _____

DENY X

Plaintiff denies this request insofar as the Certificate of Compliance speaks for itself.

23. Admit that the Certificate of Compliance (Exhibit 1 attached to the Complaint) was not recorded.

ADMIT X

DENY _____

Plaintiff objects to Defendant's Request for Admission #23 for the following reason: (1) the Certificate of Compliance is not required to be recorded in an Oregon State judicial foreclosure action. Subject to and without waiving said objection, Plaintiff admits that the Certificate of Compliance was not recorded.

24. Admit that the Exhibit 2 attached to the Complaint is a true and correct and complete copy of the original Note as of the date of filing of the Complaint, including all riders, signatures, stamps, allonges and any other ancillary materials.

ADMIT X

DENY _____

Plaintiff admits to Defendants' Request for Admission #24 noting the qualification that the copy of the Note attached to Plaintiff's Complaint has one (1) swirl mark on it. However, the original Note scanned in Plaintiff's system on or about March 10, 2015 shows there is a swirl mark and a bullseye stamp on the front page. All other aspects of the original Note, including

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PLAINTIFF'S RESPONSE TO DEFENDANT'S AMENDED FIRST REQUEST FOR ADMISSIONS

Verified Correct Copy of Original 9/28/2017.

all riders, signatures, stamps, allonges, ancillary materials, are the same as Exhibit 2 attached to the Complaint.

25. Admit that Plaintiff is trying to collect on the Note (Complaint, ¶ 24) and also foreclose on the Property (Complaint, ¶¶ 26-28).

ADMIT X

DENY _____

I HEREBY AFFIRM THAT THE ABOVE FACTUAL STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

Date: May 8, 2017

JPMorgan Chase Bank, National Association

By: _____

Alicia Hernandez

Title: Authorized Signer

No. 15CV14566

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PLAINTIFF'S RESPONSE TO DEFENDANTS' AMENDED FIRST REQUEST FOR ADMISSIONS

Verified Correct Copy of Original 9/28/2017.

Dennis Raybould
 Diane Raybould
 P.O. Box 241
 Florence, OR 97439
 (541) 997-1311

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF LANE

JPMORGAN CHASE BANK, NATIONAL
 ASSOCIATION, its successors in interest and/or
 assigns,

Plaintiff,

v.

DIANE RAYBOULD; DENNIS RAYBOULD;
 RELIANT FINANCIAL, INC.; CITIBANK,
 NATIONAL ASSOCIATION Successor by
 Merger to Citibank (South Dakota), N.A.;
 DISCOVER BANK; CAPITAL ONE BANK
 (USA), NATIONAL ASSOCIATION; BANK
 OF AMERICA, NATIONAL ASSOCIATION
 Successor by Merger to FIA Card Services,
 National Association; LVNV FUNDING, LLC;
 AMERICAN EXPRESS BANK, FSB; and
 OCCUPANTS OF THE PREMISES,

Defendants;

No. 15CV14566

DIANE RAYBOULD; DENNIS RAYBOULD,

Counter-Plaintiffs,

v.

JPMORGAN CHASE BANK, NATIONAL
 ASSOCIATION, its successors in interest and/or
 Assigns,

Counter-Defendant,

1

DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

_ Verified Correct Copy of Original 9/28/2017. _

EXHIBIT E

Verified Correct Copy of Original 9/28/2017

for such refusal to produce, and identify the document in question with sufficient particularity that it may be the subject of a motion to compel.

8. Unless words or terms have been given a specific definition herein (e.g., “relating to” or “document”), each word or term used herein shall be given its usual and customary dictionary definition except where such words have specific custom and usage, in which event they shall be interpreted in accordance with such usual custom and usage definition of which you are aware. As used herein, “and” shall be construed to mean “or” and vice versa, and each singular shall be construed to include its plural, and vice versa, where the effect of such construction is to broaden the request.

9. Each request seeks information available to Plaintiff, its attorneys or agents, and all persons acting on their behalf. Accordingly, as used herein, the terms “Plaintiff”, “you” and “your” also include Plaintiff’s attorneys and agents, and all persons acting on their behalf.

10. All documents should be produced complete with all exhibits, allonges, addenda and attachments.

REQUEST FOR PRODUCTION

1. Produce the original Note for inspection.
2. A certified copy of the actual Note, notarized, showing the date the certified copy was made and the name of the person who was in possession when the notary certified the copy.
3. All corporate resolutions and other documents showing whether Linda J. Jones was Vice President of Chase Bank USA, N.A. on September 27, 2011.
4. All corporate resolutions, Power(s) of Attorney and other documents showing whether Linda J. Jones was authorized to sign the Corporate Assignment (Lane County Recording # 2012-007841).
5. All documents identifying the “good and valuable consideration” referred to in the Corporate Assignment.
6. All other documents relating to the Corporate Assignment.
7. All “General Ledger” accounting entries related to the disputed transaction, showing changes to Assets, Liabilities and Owners’ Equity.

Verified Correct Copy of Original 9/28/2017.

ALDRIDGE | PITE LLP

Alaska · Arizona · California · Florida · Georgia · Hawaii · Idaho · Nevada
New Mexico · New York · Oregon · Texas · Utah · Washington

March 14, 2017

Dennis Raybould
PO Box 241
Florence, OR 97439

Re:

Raybould, Diane & Dennis
Case No.: 15CV14566
Our File: 000365-083715.001

Mr. Raybould:

Enclosed please find Plaintiff's Response to your first Request for Production, as well as production documents Bates labelled RAYBOULD000001 – 170.

Very truly yours,

/s/ Brett Weaver

Brett A. Weaver
Paralegal
(503) 345-9855
bweaver@aldridgepite.com

Enclosures

4375 Jutland Drive
P.O. Box 17933
San Diego, CA 92177-0933
(858) 750-7600
www.aldridgepite.com

Verified Correct Copy of Original 9/28/2017.

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8 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
9 **FOR THE COUNTY OF LANE**

10 JPMORGAN CHASE BANK, NATIONAL
11 ASSOCIATION, ITS SUCCESSORS IN
INTEREST AND/OR ASSIGNS,

12 Plaintiff,

13 v.

14 DIANE RAYBOULD; DENNIS
RAYBOULD; RELIANT FINANCIAL, INC.;
15 CITIBANK, NATIONAL ASSOCIATION
SUCCESSOR BY MERGER TO CITIBANK
16 (SOUTH DAKOTA), N.A.; DISCOVER
BANK; CAPITAL ONE BANK (USA),
17 NATIONAL ASSOCIATION; BANK OF
AMERICA, NATIONAL ASSOCIATION
18 SUCCESSOR BY MERGER TO FIA CARD
SERVICES, NATIONAL ASSOCIATION;
19 LVNV FUNDING, LLC; AMERICAN
EXPRESS BANK, FSB; AND OCCUPANTS
20 OF THE PREMISES,

21 Defendants.

Case No. 15CV14566

**PLAINTIFF'S RESPONSES TO
DEFENDANTS' FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS**

22 **PROPOUNDING PARTY:** DEFENDANTS DIANE RAYBOULD AND DENNIS
23 RAYBOULD ("Defendants")

24 **RESPONDING PARTY:** JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, ITS
25 SUCCESSORS IN INTEREST AND/OR ASSIGNS ("Plaintiff" or "Responding Party")

26 Page 1 – PLAINTIFF'S RESPONSES TO DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

RESPONSES TO REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce the original Note for inspection.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Plaintiff's counsel is in the process of obtaining the original Note from Plaintiff, and agrees to make it available for inspection between the parties at a mutually agreeable time and location.

REQUEST FOR PRODUCTION NO. 2: A certified copy of the actual Note, notarized, showing the date the certified copy was made and the name of the person who was in possession when the notary certified the copy.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Plaintiff objects to this request as unduly burdensome, and seeking documents that are irrelevant or that will not lead to the discovery of admissible evidence. Subject to and without waiving these objections, Plaintiff produces a copy of the Note.

REQUEST FOR PRODUCTION NO. 3: All Corporate resolutions and other documents showing whether Linda J. Jones was Vice President of Chase Bank USA, N.A. on September 27, 2011.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Plaintiff objects to this request as overly broad, unduly burdensome, vague, harassing, and seeking documents that are irrelevant or that will not lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 4: All corporate resolutions, Power(s) of Attorney and other documents showing whether Linda J. Jones was authorized to sign the Corporate Assignment (Lane County Recording #2012-007841).

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Plaintiff objects to this request as overly broad, unduly burdensome, vague, harassing, and seeking documents that are irrelevant or that will not lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 5: All documents identifying the "good and valuable consideration" referred to in the Corporate Assignment.

Page 4 – PLAINTIFF'S RESPONSES TO DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(503) 750-7600

CERTIFIED TO BE A TRUE COPY OF THE
ORIGINAL DOCUMENT CONSISTING OF
39 PAGES, WHICH IS FILED IN
THIS OFFICE AND OF WHICH I AM THE
LEGAL CUSTODIAN.

DATED 1/2/2020

Circuit Court
Lane County, Oregon

By



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date last written below, a true and correct copy of this document was furnished via facsimile and/or U.S. mail and/or email to:

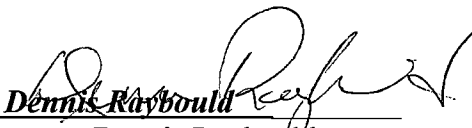
JPMorgan Chase Bank, N.A.
c/o KEVIN H. KONO, OSB #023528
c/o ASHLEE AGUIAR, OSB #171940
Davis Wright Tremaine LLP
1300 S.W. Fifth Avenue, Suite 2400
Portland, Oregon 97201-5610

JPMorgan Chase Bank, N.A.
c/o FREDERICK B. BURNSIDE, OSB #096617
920 Fifth Avenue, Suite 3300
Seattle, Washington 98104-1610

Rushmore Loan Management Services, LLC.
c/o STANTON SHELBY, OSB #044151
ALDRIDGE PITE LLP
121 SW Columbia Ave. Suite 950
Portland OR 97201

US Bank N.A. Not in its Individual
Capacity but Solely as Trustee for the
RMAC Trust, Series 2016-CTT, whose
address is 60 Livingston Avenue, St. Paul
MN 55107-2292
c/o STANTON SHELBY, OSB #044151
ALDRIDGE PITE LLP
121 SW Columbia Ave. Suite 950
Portland OR 97201

DATED: January 23, 2020

/s/ 
Dennis Raybould

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Dennis Raybould
P.O. Box 241
Florence, OR 97431

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Clerk
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405 E. 8th Ave.
Eugene, OR 97401



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EP14F Oct 2018
OD: 12 1/2 x 9 1/2